

## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/676,858	10/01/2003	Jay M. Eppink	1391-28401	7643
46133 75	590 03/16/2005		EXAMINER	
CONLEY ROSE, P.C.			TSAY, FRANK	
PO BOX 3267 HOUSTON, TX 77253-3267			ART UNIT	PAPER NUMBER
110001011, 171 17233 3201			3672	
			DATE MAIL ED: 02/16/200	<i>-</i>

Please find below and/or attached an Office communication concerning this application or proceeding.

			1				
	Office Action Summary	Application No.	Applicant(s)				
€V		10/676,858	EPPINK ET AL.				
		Examiner	Art Unit				
		Frank S Tsay	3672				
Period fo	The MAILING DATE of this communication app or Reply	ears on the cover sheet with the c	orrespondence address				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).							
Status							
1)⊠	Responsive to communication(s) filed on <u>01 Oc</u>	<u>ctober 2003</u> .					
,	☐ This action is FINAL. 2b) ☑ This action is non-final.						
3)	3) Since this application is in condition for allowance except for formal matters, prosecution as to the ments is						
	closed in accordance with the practice under E	x parte Quayle, 1935 C.D. 11, 45	3 O.G. 213.				
Disposit	ion of Claims						
4) Claim(s) 1-75 is/are pending in the application.							
	4a) Of the above claim(s) is/are withdrawn from consideration.						
-	5) Claim(s) is/are allowed.						
·	6) Claim(s) is/are rejected.						
·	7)  Claim(s) is/are objected to. B)						
Applicat	ion Papers						
9) The specification is objected to by the Examiner.							
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).							
11)□	The oath or declaration is objected to by the Ex	, -, ,					
	under 35 U.S.C. § 119						
• —	Acknowledgment is made of a claim for foreign	priority under 35 U.S.C. § 119(a)	-(d) or (f).				
a) ☐ All b) ☐ Some * c) ☐ None of:  1.☐ Certified copies of the priority documents have been received.							
2. ☐ Certified copies of the priority documents have been received in Application No							
3. Copies of the certified copies of the priority documents have been received in this National Stage							
	application from the International Bureau	J (PCT Rule 17.2(a)).	-				

\* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)	
Notice of References Cited (PTO-892)  Notice of Draftsperson's Patent Drawing Review (PTO-948)	4) Interview Summary (PTO-413) Paper No(s)/Mail Date.
B) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	5) Notice of Informal Patent Application (PTO-152)  6) Other:



Art Unit: 3672

## **DETAILED ACTION**

## Election/Restrictions

This application contains claims directed to the following patentably distinct species of the claimed invention:

Claims 1-75 are generic to a plurality of disclosed patentably distinct species comprising: (1) Species of Fig 3; (2) Species of Figs. 4-6, (3) Species of Figs 7-12, (4) species of Figs 34-40, (5) species of Figs 41-43, (6) Species of Fig. 29, (7) Species of Figs 49-51

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Art Unit: 3672

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank S Tsay whose telephone number is (703) 308-2170. The examiner can normally be reached on Monday thru Friday, 7:30am-5:00 pm, 2nd Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J Bagnell can be reached on (703)308-2151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3672

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frank S Tsay

Primary Examiner

Art Unit 3672

3/8/05